



CITY OF
TUCSON

DEPARTMENT OF
URBAN
PLANNING &
DESIGN

July 18, 2005

To: Subscriber to the Tucson *Land Use Code (LUC)*

SUBJECT: SUPPLEMENT NO. 35 TO THE *LAND USE CODE (LUC)*

Dear Subscriber:

Enclosed is Supplement No. 35 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance No. 10166 Ornamental Height Elements, adopted by the Mayor and Council on June 21, 2005. In addition, some minor formatting errors have been corrected.

Please recycle and replace pages in your *LUC* as follows.

<i>Article III. Development Regulations</i>		
<i>Item</i>	<i>Remove Old Pages</i>	<i>Insert New Pages</i>
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Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 791-4505.

Sincerely,

Tiffany Hochard
Secretary

Enclosures: Summary of Amendment
 Supplement No. 35

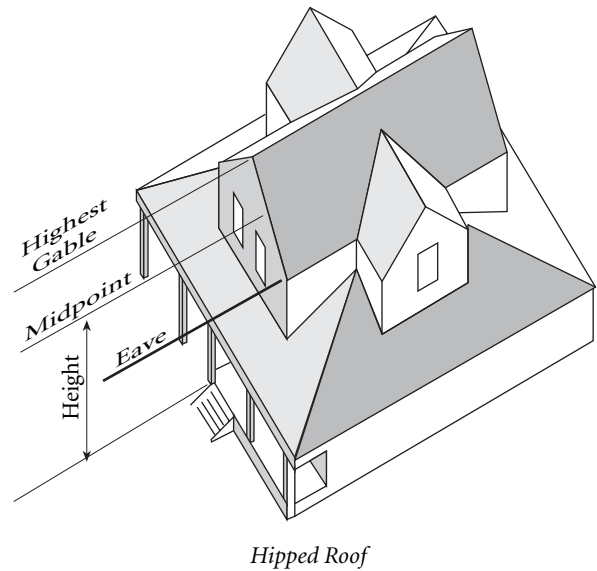
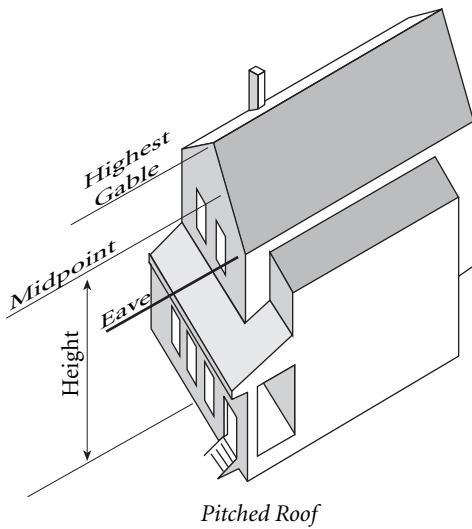
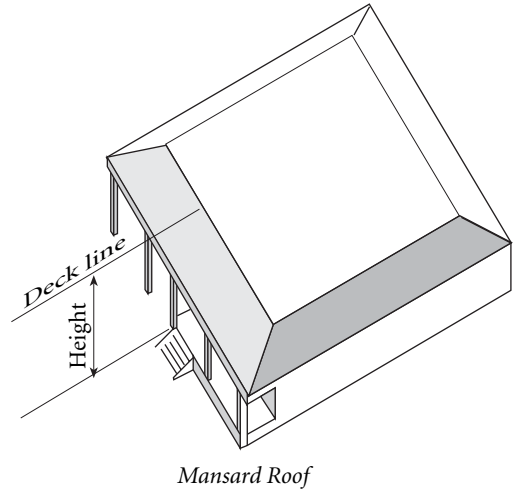
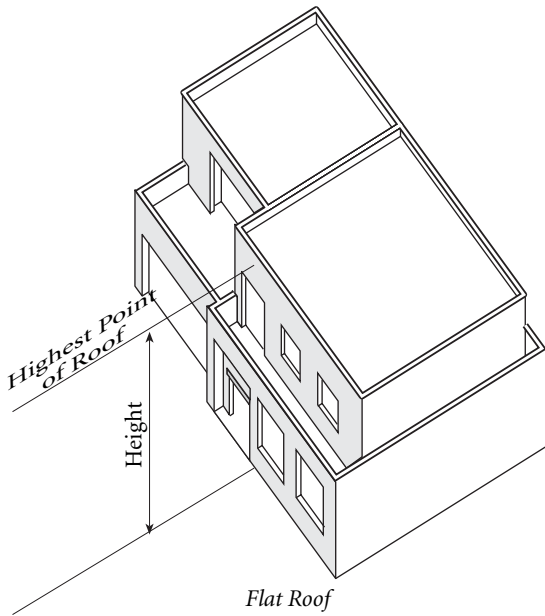
TUCSON LAND USE CODE (LUC) - SUPPLEMENT NO. 35

SUMMARY OF AMENDMENTS

ORDINANCE NO. 10166

ORDINANCE NO. 10166 (Adopted on June 21, 2005 and Effective on July 21, 2005)

Section 3.2.7.3 *Exceptions* to Height Measurement, is amended to include an exception for ornamental elements of buildings and structures that exceed ten (10) feet above the structure height allowed within a zone. The special exception is subject to review by the Design Review Board and approval by the Zoning Examiner. The amendment applies to architectural elements such as: spires, cupolas, belfries, clock towers and domes. Provisions for review by the Design Review Board and approval by the Zoning Examiner as required by the Special Exception Full Notice Procedure, Sections 23A-50 and 23A-53 of the Tucson Code, are included to ensure comprehensive design review and impact assessment by affected property owners and staff.



3.2.7.2 Measurement of Building Height

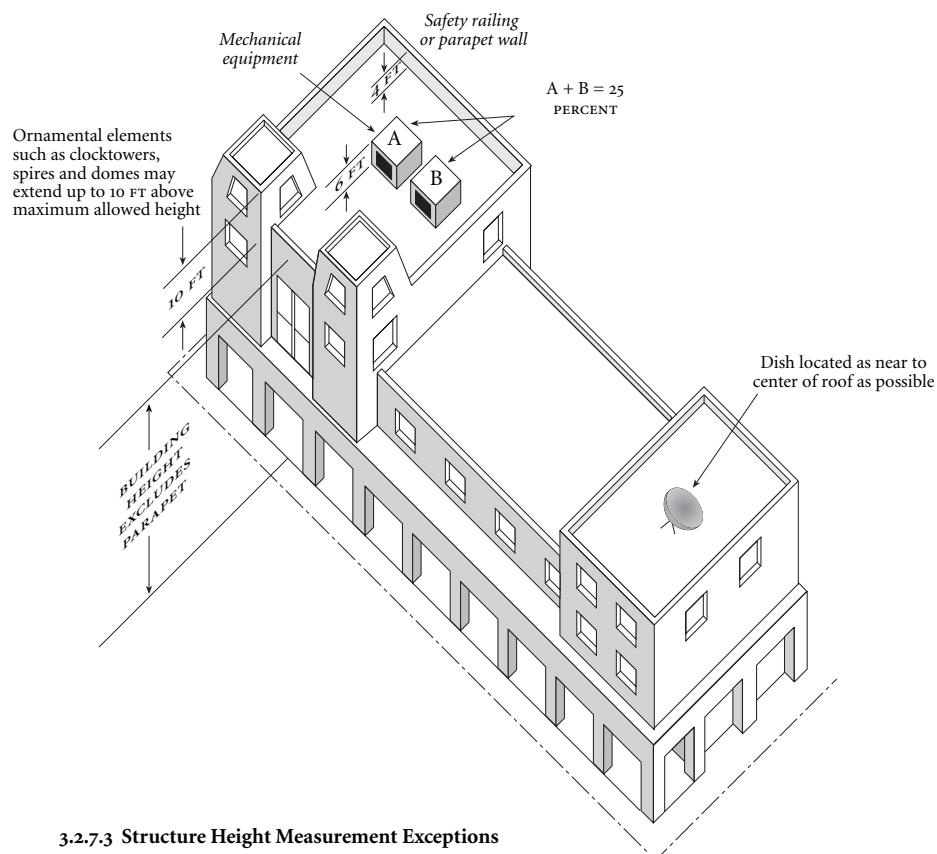
3.2.7.3 Exceptions. The following structural elements may extend above the maximum allowed height, subject to any limitations listed. (*See Illustration 3.2.7.3.*)

- A. Ornamental elements of the buildings and structures, such as spires, cupolas, belfries, clock towers, and domes, provided that such elements:
 - 1. Are not for human occupancy, and
 - 2. Do not exceed ten (10) feet above the allowed structure height, except as follows:
 - 3. Ornamental elements of buildings and structures proposed to exceed ten (10) feet above the allowed structure height are subject to review by the Design Review Board in accordance with Sec. 5.1.8 and approval as a special exception by the Zoning Examiner in accordance with procedures set forth in Sec. 5.3.9 and Zoning Examiner Full Notice Procedure, Sec 23A-53 and provided that:
 - a. The ornamental element is an integral part of the building's architecture, not for human occupancy.
 - b. Ornamental elements proposed to exceed ten feet (10 ft.) above the allowed structure height may not be used for commercial advertising.
 - c. The applicant must demonstrate how the proposal minimizes impacts to existing land uses by including a viewshed analysis and an analysis of the project site grades and adjacent property grades as part of their submittal.
 - d. Setbacks required for the architectural element will be one foot (1 ft.) for each additional foot in height by which it exceeds the base allowance of ten feet (10 ft.).

(Ord. No. 10166, §1, 6/21/05)

- B. Chimneys, mechanical penthouses, and bulkheads for stairwells, elevator shafts, or skylights, provided that such elements:
 - 1. Are not for human occupancy,
 - 2. Do not exceed ten (10) feet above the allowed structure height, and
 - 3. Do not exceed twenty-five (25) percent of the total roof area of the building on which they are located.
- C. Mechanical equipment, except solar energy equipment, and accessories necessary to the operation or maintenance of the building, provided that such elements:
 - 1. Do not exceed six (6) feet above the allowed structure height,
 - 2. Do not exceed twenty-five (25) percent of the total roof area of the building on which they are located,
 - 3. Are concealed by an opaque screen, and
 - 4. Are located away from the edge of the building a distance equivalent to the height of the elements.
- D. Solar energy equipment, provided that such elements do not exceed the allowable height limits by more than ten (10) feet.
- E. Parapet walls and safety railings, provided they do not exceed the allowable height by more than four (4) feet.
- F. Communications antennae not in conjunction with a communications facility, excluding dish antennae greater than three (3) feet in diameter, provided such elements do not exceed the allowable height limits by more than five (5) feet.

- G. Dish antennae, greater than three (3) feet in diameter, provided that such elements:
1. Do not exceed the allowable height limits by more than ten (10) feet;
 2. Are located as close to the center of the roof structure as possible;
 3. Are screened from view, to the maximum extent possible without interfering with reception, from the street frontage of the property at pedestrian level by an opaque screen, such as a parapet wall at the roof's edge; and
 4. Are located on a building with a structure height greater than forty (40) feet.
- H. Communications antennae, other than those associated with wireless communications, in conjunction with a communications facility do not have a maximum height limitation, provided the antennae are located at least one (1) foot distance for every foot in height measured from all property lines of residentially zoned property. (Ord. No. 8813, §1, 3/3/97)
- I. If the Mayor and Council authorize a change in the zoning classification of a property and buildings exist on the property which exceed the maximum required height for the proposed land use, the existing buildings shall be considered conforming. This exception applies only to buildings existing at the time of authorization, except as provided by Sec. 3.2.7.3.J. (Ord. No. 8704, §1, 5/13/96)
- J. New construction in a Historic Preservation Zone (HPZ) may exceed the height requirements of the zone if additional height is needed to be compatible with the height of other buildings within the development zone as determined by the Development Services Department Director. (Ord. No. 8704, §1, 5/13/96; Ord. No. 9967, §3, 7/1/04)



3.2.7.3 Structure Height Measurement Exceptions

3.2.8 ACCESS PROVISIONS.

3.2.8.1 Purpose. This Section is established to: assure that all parcels have legal and physical access to a public street; require reasonable improvements for pedestrian facilities; increase public safety by lessening the conflict between vehicular and pedestrian activities; aid in improving air quality in the City of Tucson by providing for one (1) pedestrian mode of alternate travel; and provide design standards for pedestrian circulation paths.

3.2.8.2 Acceptable Types of Access.

- A. Public street access, which is ingress-egress to a parcel provided by an abutting public street.
- B. Private street access, which is ingress-egress to a parcel provided by an abutting private street in which the owner of the parcel has a legal interest to assure perpetual use for access.
- C. Access easement, which is ingress-egress to a parcel provided over some other parcel through an area dedicated for such perpetual use.

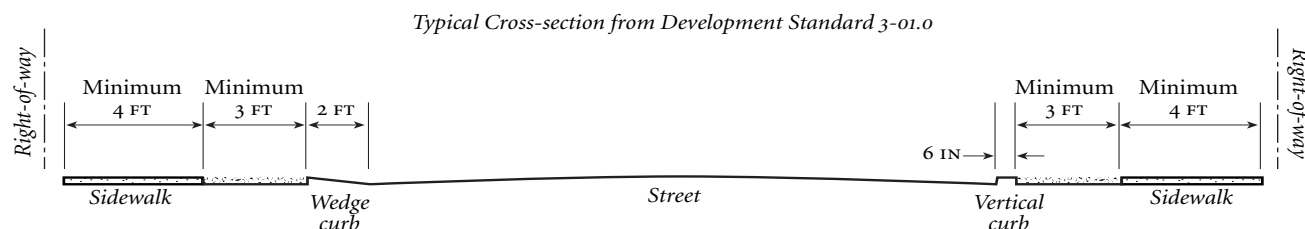
3.2.8.3 Width of Access.

- A. The minimum width required for access to a parcel is that dimension sufficient to provide for the type of access, per Sec. 3.2.8.2. The minimum required width is based on access improvements being centered within the dimension. If the improvements are located off-center, an additional width may be required.
- B. All lots shall be designed with access to a public street. If a proposed lot does not have public street frontage, access must be provided by means of a private street or an access easement of sufficient size to accommodate motor vehicle and pedestrian access and public services as required for the type of development proposed for the lot.

If access is provided by an easement and the easement serves more than three (3) single-family homes or duplexes, the City may require the easement to be developed as a street or as a parking area access lane (PAAL). The determination as to whether a developed street or PAAL is required will be made at the time of review of the proposed land division based on the need for public services, such as utilities, refuse collection, and fire suppression, and on the projected average daily traffic (ADT) of the access easement.

3.2.8.4 Pedestrian Facilities. All land uses subject to the applicability of this Section shall provide pedestrian facilities. Pedestrian facilities, for the purpose of this Section, are sidewalks in conformance with the standards indicated below. (Ord. No. 9138, §1, 10/5/98)

- A. Pedestrian facilities located in a street, either public or private, shall be designed in compliance with Development Standard 3-01.0. (See Illustration 3.2.8.4.A.)

**3.2.8.4.A Pedestrian Facilities**

APPENDIX 1

Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

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